



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,392	10/20/2003	William C. Dodge	81070/7400	3760

22242 7590 03/29/2006

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/690,392	Applicant(s) DODGE, WILLIAM C.	
	Examiner Doug Hutton	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-3 and 12-17.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
 13. ☒ Other: See Continuation Sheet.


 Doug Hutton
 Primary Examiner
 Art Unit: 2176

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding Claim 1, Applicant argues that Microsoft Project fails to disclose "differentiating within the program management chart between the plurality of tasks within the selected set of data and the task that is outside of the selected set of data" because Microsoft Office does not distinguish external tasks from internal tasks. See Response -- Pages 7-8, spanning paragraph. The examiner disagrees.

As indicated in the text and figures of Microsoft Project, external tasks are distinguished from internal tasks in that they are displayed in different colors than the colors of internal tasks. For example, see Figures 17-3 through 17-6 and Figure 17-12, which clearly shows external tasks displayed in a different color.

Moreover, the claim language does not recite that the external tasks are displayed in a different color than the internal tasks. Rather, the claim recites that the external tasks are "differentiated" from the internal tasks "within" the PERT chart. As noted by Applicant (see Response -- Page 7, seventh sentence), Microsoft Project states that when a task is linked between projects and the user opens a project file that has an external task that is linked to the opened project, Microsoft Project displays the external task in gray. Also, Microsoft Project teaches that, when a user points at the external task with the mouse, Microsoft Project displays information to the user which indicates that the task is an external task. Accordingly, the claim language reciting that "external tasks" are differentiated from "internal tasks" reads on Microsoft Project.

Regarding Claim 12, Applicant argues that Microsoft Project fails to disclose "displaying a task that is part of the project and is outside of the subset of data in the program management chart at the same time as the plurality of tasks that are part of the project and associated with the subset of data" because, although the linked external task is shown when the associated project is open, the task may be accessed only when the project containing the external task is opened. See Response -- Pages 8-9, spanning paragraph. The examiner disagrees.

Applicant's argument appears to focus on whether the "external task" is "part of" the project to which it is linked. The relevant claim language reads "displaying a task that is part of the project and is outside of the subset of data" (see Claim 12, Line 6). Reciting that a task is "part of the project" is extremely broad. The external task is "part of" the project in that it is linked to the project and displayed when the project is open.

Regarding the argument in support of Claim 12 set forth in the first full paragraph of Page 9, the examiner could not follow Applicant's line of reasoning.

Continuation of 13. Other:

The objection to the Specification previously set forth in the Final Rejection dated 01/18/2006 is withdrawn, because Applicant amended the Specification as requested in the Response dated 11/10/2005.

The objection to the drawings previously set forth in the Final Rejection dated 01/18/2006 is withdrawn, because reference number "808" is shown in Figure 8 of the drawings.